

#65627-3-104  
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Attorneys for Defendants,  
 CITY OF CAMPBELL, OFFICER  
 DAVID P. LIVINGSTON

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE BRANCH

KAREN CARTER,	)	Case No. C05 3974-JF (RS)
	)	
Plaintiff,	)	
	)	STIPULATION OF DISMISSAL OF
vs.	)	DEFENDANTS, CITY OF CAMPBELL
	)	AND OFFICER DAVID P.
	)	<u>LIVINGSTON; ORDER</u>
COUNTY OF SANTA CLARA, CITY	)	
OF CAMPBELL, et al.,	)	[JURY TRIAL DEMANDED]
	)	
Defendants.	)	
	)	
	)	
	)	
	)	
	)	

KAREN ELIZABETH CARTER, Plaintiff, and her attorneys, and  
 Defendants, CITY OF CAMPBELL and OFFICER DAVID P. LIVINGSTON, by  
 and through their counsel, stipulate as follows:

1. Plaintiff will voluntarily dismiss the above-captioned  
 federal court case, without prejudice, as to Defendants CITY OF  
 CAMPBELL and OFFICER DAVID P. LIVINGSTON, only.

2. Defendants will not seek recovery of any attorneys' fees  
 or costs incurred in the defense of this case to date as a result

of Plaintiff's voluntary dismissal of the federal court case.

3. Each side will bear its own attorneys' fees and costs.

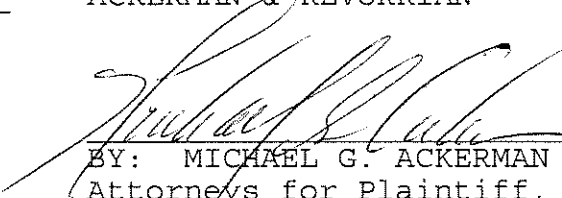
IT IS SO STIPULATED.

Date: Jan. 30, 2007

  
BY: KAREN ELIZABETH CARTER  
Plaintiff.

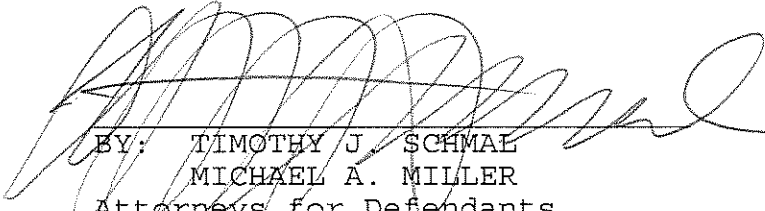
Date: Jan. 30, 2007

ACKERMAN & KEVORKIAN

  
BY: MICHAEL G. ACKERMAN  
Attorneys for Plaintiff,  
Karen Elizabeth Carter.

Date: February 1, 2007

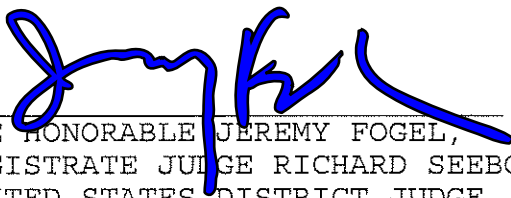
BURTON, VOLKMANN & SCHMAL, LLP

  
BY: TIMOTHY J. SCHMAL  
MICHAEL A. MILLER  
Attorneys for Defendants,  
City of Campbell, Officer  
David P. Livingston.

ORDER

IT IS SO ORDERED.

Date: 2/5, 2007

  
THE HONORABLE JEREMY FOGEL,  
MAGISTRATE JUDGE RICHARD SEEBORG,  
UNITED STATES DISTRICT JUDGE.

Case Name: KAREN CARTER v. COUNTY OF SANTA CLARA, CITY OF CAMPBELL,  
et al.  
Case No.: C05 03974-JF (RS)  
File No.: 65627-3-104 [UPDATED 3/29/06]

**PROOF OF SERVICE - CCP §1013a, 2015.5**

I certify and declare as follows:

I am over the age of 18 years, and not a party to this action. My business address is 133 Mission Street, Suite 102, Santa Cruz, CA 95060, which is located in the County where the mailing described below took place.

On the date set forth below, I served a copy of the within

**STIPULATION OF DISMISSAL OF DEFENDANTS, CITY OF CAMPBELL AND  
OFFICER DAVID P. LIVINGSTON ; ORDER**

on the parties in this action, by the following means:

\_\_\_\_\_  
**(BY MAIL)** I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

\_\_\_\_\_  
**(BY FEDERAL EXPRESS)** I deposited such envelopes to be placed for collection and handling via Federal Express following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for Federal Express. On the same day that material is placed for collection, it is picked up by Federal Express at Santa Cruz, Santa Cruz County, California.


\_\_\_\_\_  
**(BY FAX TRANSMISSION)** By transmitting a true copy thereof from sending facsimile machine telephone number (831) 427-3159 to the following parties at the receiving facsimile machine numbers shown below. The transmission was completed at \_\_\_\_ M on \_\_\_\_\_, reported as complete and without error, and the transmission report attached was properly issued by the transmitting facsimile machine.

\_\_\_\_\_  
**(BY PERSONAL SERVICE)** I caused each such envelope to be delivered by hand to the addressee(s) noted below.

\_\_\_\_\_  
**(FEDERAL COURT)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

**X VIA ELECTRONIC FILING**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 2, 2007, at Santa Cruz, California.

  
SUSAN BRENNAN

NAMES AND ADDRESSES OR FAX NUMBERS OF EACH PARTY SERVED:

**[SEE ATTACHED]**

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